

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00270-MR-WCM

RUPA VICKERS RUSSE,)
)
 Plaintiff,)
)
v.)
)
CINDIE HARMAN)
)
 Defendant.)
_____)

ORDER

This matter is before the Court following Plaintiff's filing of a "Certificate of Service." Doc. 7. In that filing, Plaintiff describes attempts to serve Defendant, and "prays this court to accept that Defendant has been served pursuant to Fed. R. Civ. P. 4, as of 12/10/21." Doc. 7 at 2.

Rule 4(m) of the Federal Rules of Civil Procedure provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court-- on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." F.R.C.P. 4(m).

Here, Plaintiff filed her Complaint on October 5, 2021. Doc. 1. A summons was issued electronically on November 29, 2021. Doc. 6.

Though Plaintiff appears to seek an order deeming her service attempt(s) to be effective pursuant to Rule 4 of the Federal Rules of Civil Procedure, Plaintiff has filed no motion and supporting brief to that effect and has not provided any authorities that would support such a request. Accordingly, to the extent Plaintiff's "Certificate of Service" (Doc. 7) is intended to be a request for a ruling regarding service, it is denied.

Plaintiff remains free, however, to file any appropriate motion and supporting brief requesting additional time to complete service on Defendant, if necessary.

It is so ordered.

Signed: December 16, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

